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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 09/625,660 | 07/26/2000 | Frederick L. Merritt | 0250W/00003U | 6309 |
| 24350 | 7590 | 10/09/2003 | EXAMINER | |
| STITES & HARBISON, PLLC 400 W MARKET ST SUITE 1800 LOUISVILLE, KY 40202-3352 | | | DURAN, ARTHUR D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3622 | |

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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| | | |
|------------------------------|------------------------|-----------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/625,660 | MERRITT, FREDERICK L. |
| | Examiner | Art Unit |
| | Arthur Duran | 3622 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 26 July 2000.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-14 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-14 have been examined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eggleston (6,061,660) in view of Dedrick (5,724,521).

Claim 1, 9, 10, 11, 12, 14: Eggleston discloses a system, network for re-directing users of a global information network to specific advertisements resident on said network, wherein said system includes a sweepstakes component, comprising:

a first database storing and maintaining identifying information related to a plurality of users, said users having registered with the system and being classified as a sweepstakes player, a prize presenter, or an advertiser (col 10, lines 1-10). Eggleston discloses that retailer's register and that retailer's can be advertisers (col 13, line 65-col 14, line 5; col 1, lines 35-40; col 10, lines 1-10).

Eggleston further discloses a second database storing and maintaining information related to a plurality of prizes to be distributed through the sweepstakes component of the system, each

of said prizes being associated with a prize presenter registered with the system (col 14, line 65-col 15, line 15); and

a third database storing and maintaining target advertising profiles, each of said profiles being associated with an advertiser registered with the system (col 42, lines 35-40). Eggleston further discloses that the sponsor can also be an advertiser (col 34, lines 41-46; col 21, lines 14-18).

Eggleston further discloses that when a sweepstakes player enters a sweepstakes for a particular prize, the identifying information related to said sweepstakes player stored and maintained in said first database is compared to the target advertising profiles stored and maintained in said third database (col 42, lines 31-40; col 41, lines 55-65).

Eggleston further discloses that said user is directed to a specific program of a particular advertiser registered with the system based on said comparison (col 31, lines 35-40; col 42, lines 35-40).

Eggleston does not explicitly state that the user is directed to the advertising based on the comparison.

However, Eggleston further discloses that the incentives information can include advertising (col 34, lines 41-47). Eggleston further discloses directing the user to advertising (col 1, lines 36-41) and targeting the user to particular programs (col 31, lines 35-40; col 42, lines 35-40).

Therefore, it would be obvious to Eggleston that the advertising the user is directed to can be targeted. One would have been motivated to do this so that the user goes to a site they are more likely interested in.

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Eggleston further discloses profiling or targeting a user (col 31, lines 35-40; col 42, lines 35-40), directing the player to advertising (col 1, lines 35-41).

Eggleston does not explicitly disclose that said particular advertiser pays a predetermined amount for the directing of said sweepstakes player to the specific advertisement.

However, Dedrick discloses playing games (col 2, lines 61-64) and charging for directing a user to advertising (col 2, lines 5-10);

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Dedrick's charging for directing advertising to Eggleston's directing user's to advertisements. One would have been motivated to do this because it is targeted users are of interest to advertisers.

Eggleston does not explicitly disclose that the prize can be delivered once the cost of that prize or a surplus of that cost has been satisfied.

However, Eggleston further discloses distributing a particular prize once a predetermined threshold is met (col 30, line 65-col 31, line 5). Eggleston further discloses that prizes cost money (col 15, lines 6-15). Eggleston further discloses tracking sponsor expenses (col 39, lines 40-51).

Therefore, in light of Eggleston being able to charge for directing advertising as disclosed above, it would have been obvious to Eggleston to offer the prize once the cost of the prize has been satisfied. One would have been motivated to do this so that the sponsor can assure that their expenses are well maintained.

Eggleston further discloses that the advertisements can be located on websites each associated with one of said registered advertisers (col 1, lines 35-40; col 8, lines 30-43) and a

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particular advertising profile (col 30, lines 25-30; col 13, line 65-col 14, line 5; col 31, lines 35-40; col 42, lines 35-40).

Eggleston further discloses collecting demographic information on the player (col 13, lines 5-27).

Eggleston further discloses the prize presenter disclosing a selling price for each prize (col 15, lines 3-15; col 42, lines 33-40).

Eggleston further discloses the player selecting a prize (col 26, lines 10-19).

Eggleston further discloses that the retailer and the sponsor can be the same (col 21, lines 14-18) or different (col 10, lines 1-10).

Claim 2: Eggleston and Dedrick disclose a system as recited in claim 1, and Eggleston further discloses that said databases are maintained and accessed by a central control computer integrally connected to said global information network (col 10, lines 4-6; col 11, line 65-col 12, line 11; Fig. 6; Fig. 2).

Claim 3: Eggleston and Dedrick disclose a system as recited in claim 1, and Eggleston further discloses that said global information network is the World Wide Web portion of the global Internet (col 5, lines 45-55).

Claim 4: Eggleston and Dedrick disclose a system as recited in claim 3, and Eggleston further discloses that said system is accessed by users through an Internet browser (col 8, lines 25-30).

Claim 5: Eggleston and Dedrick disclose a system as recited in claim 1, and Eggleston further discloses that the identifying information associated with each sweepstakes player comprises a plurality of discreet demographic descriptors (Fig. 16).

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Claim 6: Eggleston and Dedrick disclose a system as recited in claim 5, and Eggleston further discloses that said advertising profiles are defined by a plurality of discreet demographic descriptors (col 31, lines 35-40; col 42, lines 35-40).

Claim 7: Eggleston and Dedrick disclose system as recited in claim 6, and Eggleston further discloses that the comparison of the identifying information related to each said sweepstakes player to each said target advertising profile is carried out through a comparison of the discreet demographic descriptors (col 31, lines 35-40; col 42, lines 35-40).

Claim 8: Eggleston and Dedrick disclose a system as recited in claim 1, and Eggleston further discloses that a selling price for each of said prizes is established by the associated prize presenter (col 15, lines 3-15; col 42, lines 33-40).

Claim 13: Eggleston and Dedrick disclose a method as recited in claim 12, and Eggleston further discloses that a predetermined sum is paid to a presenter of said awarded prize (col 15, lines 7-15).

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Gerace (5,848,396) discloses incentives and profiling a user and advertising.

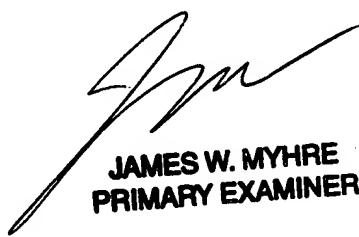
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (703)305-4687. The examiner can normally be reached on Mon- Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703)305-8469. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

AD

9/17/03



JAMES W. MYHRE
PRIMARY EXAMINER